

**REGULAR MEETING
APRIL 17, 2018
BOROUGH COUNCIL**

Council President Baldwin called the regular meeting to order at 7:26 PM.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting."

ROLL CALL

PRESENT: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

ABSENT: None

ALSO PRESENT: Melissa A. Hesler, Borough Clerk
Kevin Starkey, Director of Law
Vito Perillo, Mayor
Michael Skudera, Borough Administrator
Thomas Fallon
Thomas Neff, Borough Engineer

All present stood for Salute to Flag.

APPROVAL OF MINUTES

None

PRESENTATION – TINTON FALLS LIBRARY

Council President Baldwin stated that a presentation will be given this evening by the Tinton Falls Library Board and invited the members to come forward and introduce themselves.

Brian Perry, 29 Columbia Drive, Vice President of the Library Association introduced himself and Rosemary Kochman, President of the Library Association. He thanked Council for allowing them to provide a very brief presentation on the Library and to give their approach to get the library up and running and open back up to the public. Mr. Perry stated the Tinton Falls Library Association and the Tinton Fall Library are located on Tinton Avenue in front of the Middle School. Mr. Perry discussed community endorsements, budget information and requests to move this project forward. Mr. Perry expressed the passion of the members of the Association stating that the library is more than just books. He stated there are well rounded services and activities, meeting space, archives for historic documents, a de-facto community cultural center and of course a library with literary, audio, DVD's and 4,900 library card holders. He discussed the growing community and the ability of the library to provide services and the ability to tailor the collections in the library to meet the needs of the community including providing alternative programs to sports for people who are not able to participate in sporting activities. He gave an overview of the statistics of the library usage, visitors, collections available and circulation numbers.

Rosemary Kochman discussed how important the Library is to the Tinton Falls community. She read from the 2013 Pew Research Center Report which stated that 95 percent of people surveyed felt that the public library improved the quality of life in the community. Our services are provided to all residents of Tinton Falls, Ms. Kochman discussed the various services that the library provides including staff for research projects, seven computers stations, printing services in emergency situations, volunteer opportunities, books for summer reading lists that are provided by the area schools, speakers on many topics, social events for senior citizens, summer reading programs, preschool programs and socialization in a small safe environment. Ms. Kochman continued to discuss other services the library provides including meeting areas for scout programs, chess club, lego club and a story book walk with the recreation department and many other programs for every age. She also discussed the services and rapport that the library has with the area schools. Ms. Kochman stated that she made three cold calls to real estate agents to get their feedback regarding attributes of the borough and two mentioned that Tinton Falls has its own library.

Brian Perry presented discussion based on the engineering report provided by the Borough Engineer which included a proposal for renovations, removing the trailer, surface mold removal and repairs to the walls, HVAC replacement, electrical service upgrades, and ADA upgrades with a subtotal of \$167,000 needed to reopen. Soft costs are estimated at approximately \$20,500.00 for design, inspections and administration fees, totaling \$187,500. This would be the amount needed to reopen the library. Mr. Perry discussed the Library Associations thoughts on funding the improvements and the available funding which has been appropriated through the borough in capital funding. He stated that there will be no operating costs for 2018 and he offered that the Library would make up the difference of \$37,500.00. Mr. Perry discussed the competitive grant opportunity offered through the State of New Jersey for construction funds. He stated that the Association has demonstrated the value and importance the library provides to the community, provided a proposal based on the Engineer's report at no cost to the tax payers, and we request that

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Council move forward with approving the capital budget for the library and authorize submission of a grant as soon as it is available.

Rosemary Kochman addressed the age of the building and council member comments regarding the age and work needed for the building to survive. She stated that upkeep of an older home or building is a fact of life and upkeep and maintenance is a continuing thing. Ms. Kochman quoted the 2013 Pew Study again wherein the study showed 2/3rds of adult American's said that closing their local library would have a major, negative affect on their community. She further discussed a Bookings Institute report that characterizes a local library as a neutral space that stands for a sense of community. Ms. Kochman thanked the council for their time this evening in allowing the Association to make their presentation.

Brian Perry addressed the concerns about the age of the Library building and pointed out the capital improvements that have already been completed, including the roof, plumbing, window replacement, sewer repair, and siding replacement, all money well spent.

COUNCIL COMMENTS:

Council President Baldwin invited comments from the Borough Council.

Ms. Fama stated she would like to see a straw vote to see how Council feels about dedicating this money to the reopening of the library. Council President Baldwin invited additional Council comments before a straw vote. He invited Mayor Perillo to comment.

Mayor Perillo stated he thinks the matter should be held in abeyance until Council can absorb the information received this evening and have the straw vote next meeting. Mr. Baldwin stated that he doesn't disagree that the more time Council has to think about it and absorb what we heard this evening.

Ms. Fama stated that she respectfully disagrees, the library has been closed since August, the report from the Engineer has been available for a month and a half, the budget needs to be approved and the Library members need an answer. Ms. Fama stated the Administration and Council should be allowed to express their opinion on whether the project will continue or not. Ms. Fama stated that she would support a resolution to move forward with the library improvements and that she frankly doesn't understand what else is left to discuss. She again asked for a straw vote regarding the matter.

Mayor Perillo discussed the platform of his campaign which was to be fiscally responsible and prudent. Mayor Perillo stated he doesn't believe this matter is either of those thing and stated that he doesn't know if the money will be sufficient to complete the project. He stated he is against the poll and against the funding.

Council President Baldwin discussed his correspondence he composed in response to many of the supporters of the library. Mr. Baldwin discussed many things including the total appreciation of the library and what it has done for the town and the people who have supported and run the library through all the years, and they should be commended for that. He stated that he is not ignoring any of that. He discussed the tremendous obligation the Council has to the residents to provide services and keep the community a meaningful place to raise your family or retire or spend the rest of your life. He stated that to do that the expenses of keeping the town alive go up every year, nothing ever goes down and this Council struggles every year to keep those expenses down. Mr. Baldwin stated the library is a wonderful thing but it is an addition to the absolute needs of this town. He discussed how quickly the funds run out when you put the budget together for services and the things we are responsible to do. The revenue in this town is not growing by very much but the needs of the town do. Mr. Baldwin commented on the services of the County Library that are available to the residents. He stated that his opinion in the straw vote are that he does not support the continuation of the library.

Mr. Manginelli commended the Library Association on their presentation and professionalism. He discussed the emails that convey the passion of the library supporters. Mr. Manginelli stated that he does not support putting the money into the library building, it is old and the engineer report reflects the problems that exist and that there could be other hidden problems. Mr. Manginelli stated that he would support the functions of the library if they could be moved to another location.

Mr. Pak thanked the Association for the presentation. He discussed the importance of the concept of the local library, and stated that he believes that the library is beneficial for the community and the presentation proves that. Mr. Pak stated that he agrees with what the Mayor's platform was and the facts Mr. Baldwin presented. Mr. Pak discussed the responsibility that Council has to the community in balancing spending of the tax payer's money. He discussed the historic aspect of the library, the amount needed to repair the building and in comparison it is a small amount in a 28 million dollar budget. Mr. Pak stated that he would like to see the good things that stand out in this town should be

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preserved and the library is one of them and he supports moving ahead with the project and is supportive of the straw vote.

Mr. Siebert discussed the fact that he had library experience in another town where he sat on the library board for four years. He discussed the costs attached to belonging to the County Library and the services offered to the Tinton Falls Community. Mr. Siebert concurred with Mr. Pak's statement that there are few places in Tinton Falls that are so important to our community and the library is one of them, it is the fabric of our community. Mr. Siebert stated that he supports the refurbishment of the library.

Ms. Fama stated that she wanted to point out to the Mayor that the borough has been funding the staffing at the library at roughly \$140,000 per year. She stated that capital improvements of \$150,000 is nearly a net-net wash and will not impose an impact on the tax payers because they have been paying for the staffing for all of the years the library has been in operation. Ms. Fama stated that this library is one of the things that makes this town great. We have a vibrant community based place to go that offers educational, senior programs and many other services in a close knit community environment that is missing in so much of our country. Ms. Fama proposed that a resolution be passed in support of starting the construction and dedicating the capital funds that are currently available in the budget to this project.

Ms. Fama made a motion to approve such a resolution. Council President Baldwin stated that a resolution isn't necessary just a confirmation from all of the council members that they want to keep the library open. Ms. Fama restated that she votes in favor of dedicating the \$150,000 to reopen the library and start the process. Mr. Baldwin clarified that given the comments this evening the majority of the council wishes to move forward with keeping the library open and addressed the Administrator and confirmed with the CFO that the money is in the budget and the money will be reserved for the library restoration and reopening and that we will proceed.

Mayor Perillo stated that he wasn't certain that \$150,000 would be sufficient to run the library, but if it is sufficient he is all for it.

Mr. Manginelli expressed concern with regard to whether or not there would be additional unforeseen costs that may be incurred once the project is started. Mr. Baldwin stated that Council has decided to move forward with the project and if it is later determined that additional funding is needed, if funding isn't sufficient it would have to be addressed at that time and additional funding would have to be supported within the constraints of the budget.

REPORT OF MAYOR/COUNCIL/ADMINISTRATION

Mayor's Report – Vito Perillo

Mayor Perillo had no report.

Engineer's Report – Thomas Neff

Borough Engineer Tom Neff discussed several items on the consent agenda, the first being Hance Park award of contract to Precise Construction for site preparation and miscellaneous improvements with anticipated completion of the project by the end of spring early summer. Second item is a change order for Tinton Avenue pump station contract close out, a negative change order of about \$3,000 below contract amount. There is also a resolution refunding escrow for West Park Ave LLC, a developer who sought to build townhouses on West Park Avenue, a rather controversial application and the developer has withdrawn the application. Mr. Neff stated that he met with County regarding the Hance Avenue traffic study and they have confirmed they will be at the May 1st council meeting and will present the various concept plans for the intersection.

Finance Director – Thomas Fallon

Mr. Fallon had no report.

Borough Administrator – Michael Skudera

Mr. Skudera discussed Resolution R-18-133 for the Five Year Capital Master Plan for the parks, this is the first time we've done this, all of the details were provided by T&M, secondly R-18-139 a resolution authorizing the Mayor to sign a Settlement Agreement for Fair Share Housing Round 3, some key items to note is that there is no rezoning needed for this and it includes the Fort property.

Director of Law – Kevin Starkey

Mr. Starkey also discussed the Fair Share Housing resolution, this provides protection for the borough through 2025 against affordable housing law suit.

Borough Clerk's Report – Melissa Hesler

Ms. Hesler had no report.

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Council's Report

Ms. Fama thanked the Council for their support of the Library and all the people in the library who came out and brought forward a very important community issue. Ms. Fama mentioned she and her grandson attended the Little League opening, it was a great event.

Mr. Pak had no report.

Mr. Seibert extended his thanks to the Police Department and Public Works for installation of the poles that will hold speed radar detection on Heritage, Rutgers and Brookdale West. The signs will let you know if you are going too fast and there will be added police patrols to be sure the motorists are obeying the speed limit. On April 28th there will be an Earth Day celebration from 9 am - noon at the Pinebrook Triangle and trees will be distributed to residents for planting at their homes.

Mr. Manginelli wished the Library and Mr. Baldwin good luck on moving forward with the library project, he stated he will do everything he can to work with them on this project. He commented on the great Little League celebration, stating it was an amazing event with a great turn out.

Mr. Baldwin echoed Mr. Manginelli's comments about the library and thanked the representatives for their terrific presentation. I'm pleased with the outcome, you heard my feelings and we will move on and do the best we can.

Mr. Pak commended Mayor Perillo for the great pitch tossed at the Little League celebration!

2018 MUNICIPAL BUDGET

Ms. Hesler read Resolution R-18-127 by Title:

Mr. Pak offered a motion to approve Resolution R-18-127, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-127 RESOLUTION – TO READ 2018 MUNICIPAL BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved Budget:
 - a.) shall be made available for public inspection, and
 - b.) shall made available to each person upon request.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that it is hereby declared that the condition of N.J.S.A. 40A: 4-8, as amended set forth in subsections 1(a) and 1(b), have been met and therefore the Budget for 2018 shall be read by title only.

Ms. Hesler read Resolution R-18-128 by Title:

Mr. Pak offered a motion to approve Resolution R-18-128, seconded by Ms. Fama.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-128 RESOLUTION - SELF-EXAMINATION OF BUDGET (as required by DCA)

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

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WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Tinton Falls* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Tinton Falls that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Mr. Pak offered a motion to open the public hearing on the 2018 budget, seconded by Ms. Fama.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING ON THE 2018 MUNICIPAL BUDGET

Scott Britton, 158 Cloverdale Circle, asked about money in reserve for uncollected taxes, what happens with money collected from previous year. Mr. Fallon explained under state statute we are required to budget any non-spending appropriation which is placed as reserve for non-collected taxes. The requirement is in place because we don't collect 100% of our taxes in any given year. We levy taxes not only for the municipality but for school boards, the county and the fire districts. We are required to hand over the pay over levies to the school board and county, we must budget a non-spending amount to cover those costs. Mr. Fallon explained how that is reflected in the budget.

Mr. Britton asked about the technology upgrades, could you please explain those upgrades, business process automation, and what departments are earmarked and how will it save money or headcount? Administrator Mike Skudera listed the upgrades which will prepare for the future and save time. He stated some things are, website design, migration of content, mobile website, apps, records management conversion, electronic signatures, citizen request center and portal, recovery systems, agenda center, and public records request system. Mr. Britton asked if this would cut headcount by freeing up more time. Mr. Baldwin stated this is a list of potential things we are looking at, they will be evaluated with his expertise and staff. This may help get better productivity or perhaps cut the number of

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people we have. We are looking to make our people more effective and get things done quicker. We must stay up with the pace to keep this municipality running. Mr. Britton stated the Mayor's campaign of being fiscally prudent, I'm hoping we are not moving in the direction of spending more money. Where do we save money? The budget indicates there are positions for a media person, and bringing back the newsletter which would suggest another person. We need to be fiscally prudent.

Mitch Kulberg, 21 Cedar Place, could someone explain to me what the other expenses line items include, how is that broken down. CFO Tom Fallon explained that is required by statute and I do have a list of those other expenses and you are welcome to come in and review those documents. Mr. Kulberg asked about the substantial public safety budget of \$6.5 million of which \$5.2 is salaries an asked how many employees that covers. Mr. Fallon discussed the number of employees.

Gerry Turning, 32 Periwinkle Circle, stated he is happy to see that there is 6.8 million dollar surplus, he asked why more of the surplus is being used this year. Mr. Fallon stated we are using 3.5 million dollars this year to pay down the debt service and discretionary payment of notes which is prudent to reduce debt. He discussed the capital improvement projects that will be paid for directly through the budget, a responsible way to utilize the surplus. This will prevent a structural issue in the budget in the future. Mr. Turning asked if more surplus could be utilized to pay down additional debt. Mr. Fallon discussed the reasons for not using additional this year. Mr. Turning asked about the Open Space Recreation, Farmland and Historic Preservation Trust fund and asked what grant is being received this year for dedicated revenue? Mr. Fallon stated it will be the County Grant for the Traditions project. Mr. Turning inquired about current fund of anticipated revenue, particularly the \$95,000 line item for interest on investments and deposits, what is the \$40,000 increase? Mr. Fallon stated there was additional cash available to invest and we entered into new banking relationship with a better interest rate. Mr. Turning asked about the technology grant. Mr. Fallon stated it was from the Franchise Renewal with Comcast. Mr. Turning further questioned the host community act negotiations, salary increases, union contracts, and library salaries, Clean Communities grant and sewer budget increase and how they affect the budget. Mr. Turning thanked the Council for the great job on the budget.

There being no further comments, Mr. Pak offered a motion to close the public hearing on the 2018 budget, seconded by Mr. Manginelli, all in favor

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING CLOSED ON THE 2018 MUNICIPAL BUDGET

Ms. Hesler read resolution R-18-105 by Title:

Mr. Manginelli offered a motion to approve Resolution R-18-105, seconded by Mr. Pak.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin
NAYS: None
ABSENT: None
ABSTAIN: None

(BUDGET ADOPTION RESOLUTION ON NEXT PAGE

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R-18-105 ADOPTION OF THE 2018 MUNICIPAL BUDGET

**SECTION 2 - UPON ADOPTION FOR YEAR 2018
(Only to be Included in the Budget as Finally Adopted)**

RESOLUTION R-18-105

Be it Resolved by the Borough Council _____ of the Borough _____ of _____ Tinton Falls _____ County of _____ Monmouth _____ that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) 15,570,411.93 (Item 2 below) for municipal purposes, and"
- (b) _____ (Item 3 below) for School Purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) 717,491.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) _____ (Item 5 below) Minimum Library Tax

Offered: Mr. Pak

Second: Mr. Manginelli

Abstained {

RECORDED VOTE
(Insert last name)

Ayes {

Nays {

Absent {

- Ms. Fama
- Mr. Manginelli
- Mr. Pak
- Mr. Siebert
- Mr. Baldwin

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		08-100	3,500,000.00
Miscellaneous Revenues Anticipated		13-099	6,152,202.68
Receipts from Delinquent Taxes		15-499	575,000.00
		07-190	15,570,411.93
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)			
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42		07-195	
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		07-191	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added to the Certificate for Amount to be Raised by Taxation for School in Type II School Districts Only:			
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		07-191	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY			
		07-192	
Total Revenues		40000-00	25,797,614.61

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ORDINANCES FOR INTRODUCTION

None

ORDINANCES FOR FINAL CONSIDERATION

None

PUBLIC DISCUSSION

Mr. Manginelli offered a motion to open the Public Discussion, seconded by Mr. Pak

ROLL CALL

AYES: All in Favor
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC DISCUSSION OPEN

Public Comments

Bill Keisler, 71 Edgebrook Court inquired about the meeting minutes and asked for a concerted effort to have tonight's meeting minutes prepared and available for review and adoption prior to the next meeting in order to capture the comments sooner rather than later. He discussed the importance of having real time contemporaneous meeting minutes to keep agreements that have been discussed. Mr. Keisler shared his business experience with keeping minutes and dealing with very diverse opinions on different issues. He stated that as time goes by people remember different things and the minutes help to keeping those agreements live. Council President Baldwin thanked Mr. Keisler for his input and explained that the meetings are recorded and available to the public upon request and further explained the minutes are not word for word but an overview of the discussions. Mr. Baldwin discussed the reason for the backlog of minutes and explained that the Clerk's office is actively working on catching up with the backlog.

Elizabeth Carney, 1900 Wayside Road, President of the Shade Tree Commission presented the Mayor with the Arbor Day Flag recently received on Arbor Day. Mr. Baldwin thanked Mrs. Carney for her dedication to the Borough.

Rosemary Kochman, 48 Knollwood Drive, President of the Tinton Falls Library Association, thanked the Council for voting to reopen the Library and begin construction and thanked Nancy Fama for all that she has done to support the library as liaison.

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Mitch Kulberg, 21 Cedar Place, thanked council members Fama, Pak and Seibert for their support to keep the library open and expressed his disappointment that not everyone is on board to do so. Mr. Kulberg stated that after hearing about the budget items voted on today, in particular for parks and upkeep and maintenance, and open space, the amount to keep the library open is a small amount representing approximately 6/10ths of 1 percent of the budget.

Stacey Slowinski, 75 Tinton Avenue thanked the Council for their support of the Library. She discussed that most of the library building has already been renovated, roof, windows, siding and the bones of the building are solid. She stated that the library is a place that will give you more bang for the buck as compared to any other dollar spent for any other program in the borough. Rest assured your money will be well spent.

Christine Anderson, 17 Cranberry Drive, thanked the council for supporting the library. She invited everyone on May 11, 2018 at Monmouth Regional High School at 6 pm to a Jazz Band Concert.

Al Gass, 20 Cornell Court also thanked the Council for making the right decision for reopening the library which is a unique feature in the town and pleasant for the people here.

Elaine Belford, 86 Apple Orchard Drive thanked the Council for reopening the library and asked when the project would be started. Tom Neff, Borough Engineer discussed the logistics of getting started with the project and the many factors that would contribute to the commencement, specifically the grant requirements. Ms. Belford stated that she would like the project to begin as soon as possible.

Unknown speaker asked the Council about sick, vacation and comp time policies in the borough. Borough Administrator Mike Skudera stated that he would refer that to the HR department. The speaker also asked about a budget item for Office 365 for a 3 year contract. Mr. Skudera addressed the inquiry stating that IT is currently migrating the office over to the new software, it is an upgrading suite with integrated, cloud storage which will be used for all desktops which will provide better productivity. Office 365 is being rolled out to all the desktops by the IT director.

Gerry Turning, 32 Periwinkle Circle, commended the town for reaching an agreement on the Fair Share Housing settlement. He stated that this is an imperative step and will help avoid builder's remedies and law suits and it is something to be proud of completing rounds 1, 2 and 3. This will bring us through 2025 and it will help the borough with housing development. Mr. Turning discussed the library improvements and how the grant could impact budgeting. He suggested rethinking how to proceed. Mr. Turning asked the Council to consider placing paving the library parking lot through the road improvement program and not using the grant money for that purpose. Mr. Turning stated that the school is repaving their lots and the library is in desperate need of paving. The library lot will be an eyesore in comparison to the school's new paving. Councilman Pak stated as liaison to the Board of Education, the Board of Ed intends to pave the library lot in conjunction with the school project. Mr. Pak stated that the Borough will need to consider the ADA component to be sure the library is in compliance to all accessibility regulations.

Nancy Britton, 158 Cloverdale Circle, thanked the Council for their support of the library. Ms. Britton asked that all members seated at the dais speak into the microphones, as it is hard for the audience to hear the comments at times.

Ellen Goldberg, 90 Glenwood Drive concurred with the comment regarding speaking into the microphones. Ms. Goldberg stated she is a staunch supporter of the library and she thanked the council for their support. She discussed the personal relationships that have been made and affected people's lives through the library and stated that the County Library does not have the same feeling. They both fulfill needs, but different needs. Ms. Goldberg discussed a letter that was written by Council President Baldwin and she shared her sentiments regarding the letter. Mr. Baldwin addressed his letter stating that it was his personal opinion but he also understood the personal connection the residents have toward the library. Mr. Baldwin stated that he also has a financial obligation to the entire town so that we can do the best stewardship for their dollars as possible, he offered to continue the discussion with Ms. Goldberg at the conclusion of the meeting. Mr. Goldberg concurred that would be fine and had one last statement regarding the purchase of a handmade afghan from the Library that is one of her favorite possessions. She stated that she loves being a member of this community and she and her family proudly discuss and support everything about the community and particularly the Library.

There being no other comments from the public, Mr. Pak offered a motion to close the Public Discussion, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

PUBLIC DISCUSSION CLOSED

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MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER: None

CONSENT AGENDA

Mr. Pak offered a motion to approve the Consent Agenda, seconded by Ms. Fama.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Siebert, Mr. Baldwin

NAYS: None

ABSENT: None

ABSTAIN: None

R-18-129 RESOLUTION OF AWARD SITE PREPARATION FOR HANCE PARK PLAYGROUND IMPROVEMENT

WHEREAS, informal bids were received on Monday, April 2, 2018 at 4:00 PM for site preparation and other miscellaneous site item for the Hance Park Playground Improvements; and

WHEREAS, two (2) bids were received and results are listed on the attached recommendation memo; and

WHEREAS, Precise Construction, Inc., 1016 Highway 33, Freehold, NJ 07728 submitted the lowest responsible informal bid in the amount of \$21,570.00; and

WHEREAS, the Borough Engineer, Thomas P. Neff, P.E., P.P., C.M.E., recommends the award;

NOW, THEREFORE BE IT RESOLVED that Precise Construction, Inc., 1016 Highway 33, Freehold, NJ 07728 be awarded a contract in the amount of \$21,570.00 for site preparation and other miscellaneous site items for the Hance Park Playground Improvements; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

I hereby certify funds are available from: Open Space Trust Fund - \$21,570.00

R-18-130 RESOLUTION AUTHORIZING THE AWARD OF A “NON-FAIR AND OPEN” CONTRACT FOR PROFESSIONAL SPECIAL LABOR COUNSEL SERVICES CONTRACT PS #5-18

WHEREAS, the Borough of Tinton Falls has a need for professional Special Labor Counsel as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is so recognized; and

WHEREAS, this contract is to be awarded for an hourly rate of \$150.00 per hour for an amount not to exceed \$17,500.00 for professional Special Labor Counsel Services; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is hereby retained to provide professional Special Labor Counsel Services for an hourly rate of \$150.00 per hour for an amount not to exceed \$17,500.00 for a term expiring December 31, 2018;

I hereby certify funds availability contingent upon the necessary funds being appropriated by the governing body in the 2018 Municipal Budget as follows: Legal \$17,500.00

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R-18-131 RESOLUTION COMPENSATED ABSENCE-RESIGNATION – ELIZABETH PEREZ

WHEREAS, Elizabeth Perez has been employed by the Borough of Tinton Falls since November 13, 2012, and;

WHEREAS, effective March 29, 2018, Elizabeth Perez resigned with just over 5 years of service to the Borough, and has obtained employment with a NJ Public Employees Retirement eligible employer, and;

WHEREAS, Elizabeth Perez will be entitled to compensated absence benefits in accordance with Borough Ordinance #9-8.1d and 9-7.3c. The benefits are estimated to be a total of \$9,972.00. The breakdown of this payment is \$6,843.00 for accrued vacation time, \$2,807.00 for accrued sick time, \$323.00 for accrued compensatory time, and;

WHEREAS, in accordance with NJSA 40A:9-165, the governing body must authorize all benefits, and;

WHEREAS, before any payment is made, the Chief Financial Officer must certify that sufficient documentation exists as to the amount of the accumulated absence, and that funds are available to pay the amount due.

NOW, THEREFORE BE IT RESOLVED by the Borough Council that subject to the certification of funds available by the Chief Financial Officer, that Elizabeth Perez receives the aforementioned compensated absence benefits.

Certification of funds: TRUST FUND-ACCUMULATED ABSENCES

R-18-132 RESOLUTION-REFUNDING RECREATION FEES

WHEREAS, during the month of March 2018 fees were paid by a resident of Tinton Falls for their participation in our Father Daughter Dance; and

WHEREAS, said money was deposited by the Borough of Tinton Falls during the month of March 2018; and

WHEREAS, during the month of April 2018, the Recreation Superintendent was informed by the resident Jeff Davidson that he and his daughter, to conflict would be unable to attend. A refund in the amount of \$102.00 shall be issued. The \$10.00 processing fee has been applied.

Jeff and or Annmarie Davidson \$102.00

Total	\$102.00
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NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that refund in the amount of \$102.00 be issued.

R-18-133 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES PARKS AND RECREATION FIVE YEAR CAPITAL PLAN

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Parks and Recreation Five Year Capital Plan; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-18-042 adopted on January 16, 2018; and

WHEREAS, these services will be described in proposal attached dated April 6, 2018; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$25,450.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated April 6, 2018 for an amount not to exceed \$25,450.00; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

I hereby certify funds are available from: Open Space Trust Fund

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R-18-134 RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – T & M ASSOCIATES RIVEREDGE ROAD OUTFALL REPAIRS

WHEREAS, the Borough of Tinton Falls has a need for professional engineering services for the Riveredge Road Outfall Repairs; and

WHEREAS, T & M Associates is the Borough Engineer as approved by Resolution R-18-042 adopted on January 16, 2018; and

WHEREAS, these services will be described in proposal attached dated April 10, 2018; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$13,950.00; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792, is hereby authorized to provide professional engineering services as described in proposal dated April 10, 2018 for an amount not to exceed \$13,950.00; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish a public notice of this Resolution as required by law.

I hereby certify funds are available from: Bond Ordinance #14-1377

R-18-135 RESOLUTION AUTHORIZING CHANGE ORDER #1 DECREASING CONTRACT #17-4 IN THE AMOUNT OF \$2,975.00 FOR THE TINTON AVENUE PUMP STATION UPGRADES

WHEREAS, Contract #17-4 for the Tinton Avenue Pump Station Upgrades was awarded to T.R. Weniger, 1900 New Brunswick Avenue, Piscataway, NJ 08854 by Resolution R-17-141 in the amount of \$83,635.00 at a Council Meeting held on September 5, 2017; and

WHEREAS, Change Order #1 dated March, 5, 2018 from T&M Associates (annexed hereto and part hereof) requests a decrease in the amount of \$2,975.00 for reasons described therein; and

NOW, THEREFORE BE IT RESOLVED the Borough Council of the Borough of Tinton Falls authorizes change order #1 decreasing Contract #17-4 in the amount of \$2,975.00, for a total contract in the amount of \$80,660.00 is hereby authorized for the above contract awarded to T.R. Weniger

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract for the Borough of Tinton Falls as specified herein above.

R-18-136 RESOLUTION RELEASING PERFORMANCE BOND AND FINAL PAYMENT UPON POSTING OF MAINTENANCE BOND CONTRACT #17-4 TINTON AVENUE PUMP STATION UPGRADES

WHEREAS, T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854, has completed the above contract as indicated in the letter attached from Thomas P. Neff, P.E., P.P., C.M.E., dated April 5, 2018; and

WHEREAS, T.R. Weniger, Inc., has posted the required 2 year Maintenance Bond (attached) in the amount of \$40,330.00; and

WHEREAS, the Maintenance Bond has been approved by Kevin N. Starkey, Director of Law; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Tinton Falls authorizes releasing the Performance Bond No. 100365264 posted by T.R. Weniger, Inc., and final payment in the amount of \$10,226.00 be made to T.R. Weniger, Inc.

R-18-137 RESOLUTION AUTHORIZING PURCHASE UNDER STATE CONTRACT

WHEREAS, the Borough of Tinton Falls would like to purchase a three (3) year Enterprise Subscription License for Microsoft Office 365; and

WHEREAS, SHI, 290 Davidson Avenue, Somerset, NJ 08873 has valid State Contract #89851 for Software License and Related Services per the attached quote for \$13,371.00 per year for a total purchase price in the amount of \$40,113.00 and

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WHEREAS, this purchase is permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, Michael Skudera, Borough Administrator recommends this purchase;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the following purchase under the valid 2018 State Contract:

Microsoft Office 365 Subscription Licenses - \$13,371.00 per year

R-18-138 RESOLUTION – REFUNDING ESCROW – West Park Avenue, LLC

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use applications in accordance with the Borough of Tinton Falls Land Use Ordinance, and

WHEREAS, the Zoning Board Secretary, has certified the applicant’s account is deemed closed and no additional funds for consultants will be required,

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

West Park Avenue LLC, WES 5108 CU - \$475.00

R-18-139 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

WHEREAS, the Borough of Tinton Falls filed a declaratory judgment action in the Superior Court of New Jersey, Law Division-Monmouth County on July 8, 2015 following the New Jersey Supreme Court’s decision in *Mt. Laurel IV* entitled In the Matter of the Application of the Borough of Tinton Falls, Docket No MON-L-2475-15 (the “Litigation”) seeking a declaration that the Court determine its Third Round fair share obligation, and that the Borough be provided an opportunity to establish a compliance plan to meet its affordable housing obligation;

WHEREAS, the Fair Share Housing Center, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (“FSHC”) has been recognized by the Supreme Court as an interested party that may participate as a matter of right in all cases filed by municipalities pursuant to the Mount Laurel IV case; and

WHEREAS, the Borough and FSHC appeared before the Hon. Jamie S. Perri, J.S.C. and engaged in a mediation process overseen and conducted by the Court appointed Special Master, Michael Bolan, P.P., A.I.C.P.; and

WHEREAS, through that mediation process, the Borough and FSHC agreed to settle the Litigation and to present that settlement to the trial court with jurisdiction over this matter for approval at a Fairness Hearing to be conducted by the Court recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and provides the Borough finality as to its third round affordable housing obligation with a judgment of repose through July 1, 2025; and

WHEREAS, the Mayor and Council of the Borough of Tinton Falls finds that the execution of a settlement agreement is in the best interests of the Borough of Tinton Falls for the reasons set forth herein; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls, County of Monmouth that it hereby approves the Settlement Agreement by and between the Borough of Tinton Falls and the Fair Share Housing Center in a form substantially similar to the Settlement Agreement attached hereto and the Mayor is hereby authorized to execute the Settlement Agreement.

R-18-140 RESOLUTION – APPROVAL OF BILLS – APRIL 17, 2018

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending April 17, 2018; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

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SUMMARY

GENERAL	169,008.76
SEWER UTILITY	27,800.78
CAPITAL	43.20
TRUST FUNDS	5,995.36
GRANT FUND	679.84
ESCROW	11,407.97
ADDITIONS	1,346,119.76
	<hr/>
	1,561,055.67

ADJOURNMENT

Mr. Siebert offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor

NAYS: None

ABSENT: None

ABSTAIN: None

TIME: 9:25 pm

Respectfully Submitted,

Melissa A. Hesler, Borough Clerk

APPROVED AT A MEETING HELD ON: August 7, 2018